

**STATE OF WEST VIRGINIA**  
**COUNTY OF XXXXX**, to-wit:

I, Mary W. Holmes, of RD 2, Box 159, Moundsville, WV 26041, being of lawful age and being duly sworn, state that for the past 80 years I have been very familiar with the use and occupancy of that certain tract of land described as follows, to wit:

Legal Description: Subject lands situate in the Proctor District, Marshall County, West Virginia, being 131.5 acres, more or less, Tax Map 21, Parcel 10 (125.39 acres) and Tax Map 21, Parcel 10.1 (6.1 acres)

The Lands were subject to the following Oil and Gas Leases (the "Leases"):

1. John C. Cain and A. E. Cain, husband and wife, to South Penn Oil Company, dated December 25, 1894, and recorded on February 14, 1895, in Deed Book 49, Page 109, for 80 acres described by adjoiners, for a primary term of ten (10) years and as much longer as the rent for failure to commence operations is paid, and as long after the commencement of operations as said premises are operated for the production of oil or gas.

2. David Cain to South Penn Oil Company, dated February 19, 1895, and recorded on April 24, 1895, in Deed Book 49, Page 216, for 134 acres described by adjoiners, for a primary term of five (5) years and as much longer as the rent for failure to commence operations is paid, and as long after the commencement of operations as said premises are operated for the production of oil or gas.

3. James M. Robinson and Hannah Robinson, husband and wife, to South Penn Oil Company, dated May 24, 1895, and recorded on July 30, 1895, in Deed Book 49, Page 299, for 94 acres described by adjoiners, for a primary term of five (5) years and as much longer as the rent for failure to commence operations is paid, and as long after the commencement of operations.

4. James M. Robinson to J. C. Trees, dated January 28, 1898, and recorded on May 19, 1898, in Deed Book 56, Page 317, for 93 acres described by adjoiners, for a primary term of five (5) years and as much longer as the rent for failure to commence operations is paid, and as long after the commencement of operations as said premises are operated for the production of oil or gas.

5. David Cain to J. C. Trees, dated January 28, 1898, and recorded on May 19, 1898, in Deed Book 56, Page 326, for 140 acres described by adjoiners, for a primary term of five (5) years and as much longer as the rent for failure to commence operations is paid, and as long after the commencement of operations as said premises are operated for the production of oil or gas.

6. David Cain, S. J. Calvert and Jacob Cain to J. G. Crawford, dated April 24, 1899, and recorded on October 9, 1899, in Deed Book 63, Page 252, for 140 acres described by adjoiners, for a primary term of five (5) years and as much longer as oil or gas is found in paying quantities, or the rental paid thereon.

7. Jacob Cain and Nancy Cain, husband and wife, to J. L. Newman, dated April 17, 1916, and recorded on July 19, 1916, in Deed Book 132, Page 126, for 60 acres described by adjoiners, for a primary term of five (5) years and as long thereafter as oil or gas, or either of them, is produced from said land by the party of the second part, its successors or assigns.

8. Jacob Cain and Nancy Cain, husband and wife, to J. L. Newman, dated April 17, 1916, and recorded on September 11, 1916, in Wetzel County. West Virginia, in Oil and Gas Lease Book 8-A, Page 294, for 140 acres described by adjoiners, for a primary term of ten (10) years and as long thereafter as oil or gas, or either of them, is produced from said land by the said party of the second part, his heirs and assigns.

9. Jacob Cain and Nancy Cain, husband and wife, to J. L. Newman, dated April 17, 1916, and recorded on September 11, 1916, also in Marshall County. West Virginia, in Deed Book 148, Page 39, for 140 acres described by adjoiners, for a primary term of ten (10) years and as long thereafter as oil or gas, or either of them, is produced from said land by the said party of the second part, his heirs and assigns.

10. Jacob Cain and Nancy Cain, husband and wife, to the Hope Natural Gas Company, dated January 14, 1926, and recorded on April 8, 1926, in Wetzel County. West Virginia, in Oil and Gas Lease Book 20-A, Page 78, for 140 acres described by adjoiners, for a primary term of five (5) years from April 17, 1926, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.

Jan Pest  
MARSHALL County 10:02:03  
Instrument No 1296374  
Date Recorded 12/07/2010

Document Type O&G  
Pages Recorded 2  
Book-Page 716-348  
Recording Fee \$5.00  
Additional \$6.00

11. Jacob Cain and Nancy Cain, husband and wife, to the Hope Natural Gas Company, dated January 14, 1926, and recorded on May 15, 1926, in Marshall County, West Virginia in Deed Book 186, Page 464, for 140 acres described by adjoinders, for a primary term of five (5) years from April 17, 1926, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.

12. Jacob Cain and Nancy Cain, husband and wife, to the Hope Natural Gas Company, dated November 12, 1940, and recorded on December 18, 1940, in Wetzel County, West Virginia, in Oil and Gas Lease Book 34-A, Page 293, for 140 acres described by adjoinders, for a primary term of five (5) years from April 17, 1941, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.

13. Jacob Cain and Nancy Cain, husband and wife, to the Hope Natural Gas Company, dated November 12, 1940, and recorded on June 10, 1941, also in Marshall County, West Virginia, in Deed Book 215, Page 347, for 140 acres described by adjoinders, for a primary term of five (5) years from April 17, 1941, and as long thereafter as the said land is operated by the Lessee in the search for or production of oil or gas, with the extension of term by payment of rentals as hereinafter set forth.

14. Nancy Cain, widow, to the South Penn Natural Gas Company, dated March 4, 1946, and recorded on March 29, 1946, in Wetzel County, West Virginia, in Oil and Gas Lease Book 3 8-A, Page 179, for 140 acres described by adjoinders, for a primary term of five (5) years from April 17, 1946, and as long thereafter as oil or gas is produced therefrom by the lessee, its successor or assigns.

15. Nancy Cain, widow, to the South Penn Natural Gas Company, dated November 4, 1946, and recorded on June 14, 1946, also in Marshall County, West Virginia, in Deed Book 239, Page 22, for 140 acres described by adjoinders, for a primary term of five (5) years from April 17, 1946, and as long thereafter as oil or gas is produced therefrom by the lessee, its successor or assigns.

16. Nancy Cain, widow, to the Manufacturers Light and Heat Co., dated April 25, 1952, and recorded on May 16, 1952, in Deed Book 272, Page 245, for 140 acres described by adjoinders, for a primary term of ten (10) years from April 17, 1946, and as much longer as operations for Oil and Gas are being conducted on the premises, or Oil or Gas is found in paying quantities thereon.

That I know of my own knowledge that no oil and/or gas is currently being produced under the terms of the aforesaid Leases upon any of the above described property; that to my knowledge no royalties are currently being paid pursuant to the aforesaid Leases on the above described property; and that I know to the best of my own knowledge that the aforesaid Leases have heretofore been abandoned, surrendered and otherwise terminated.

I further state that I know to the best of my own knowledge that no production of oil and/or gas is currently being produced pursuant to the aforesaid Leases on other property covered by said Leases, if any, or other property pooled or unitized therewith, if any.

Further Affiant sayeth naught.

Executed this 14<sup>th</sup> day of August, 2009 Murray W. Holmes

### ACKNOWLEDGEMENT

STATE OF West Virginia  
COUNTY OF Marshall } SS:

On the 14<sup>th</sup> day of August, 2009, before me personally came the above named: Nancy Cain, being person(s) known to me to be the same person(s) described herein and who acknowledge having executed the foregoing instrument.

My commission expires August 24, 2011

Signature / Notary Public

Name / Notary Public (print)

County Recorder: Please return recorded document to Mason Dixon Energy, Inc., 101 Cambridge Place, Bridgeport, WV 26330

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 14<sup>th</sup> day of August, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 7<sup>th</sup> day of December, 2010, 10:02 A

TESTE: Jan Pest Clk